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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/601,491      | 06/23/2003  | Bernd Friedel        | 1-15                | 8939             |

7590 05/13/2005

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

NGUYEN, KHANH V

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2817

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/601,491             | FRIEDEL ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Khanh V. Nguyen        | 2817                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claim 7 is objected to because of the following informalities:

Claim 7, line 1, after **comprising** inserts --;--.

Claim 7, lines 4, 6, 11, "amplifier unit" should correctly be --final amplifier unit--.

Claim 7, line 4, "**the** input port" should correctly be --an input port--.

Claim 7, line 9, "supply power" should correctly be --power supply units--.

Claim 9, line 4, "the amplifier unit" should correctly be --the **final** amplifier unit--.

Claim 10, line 2, "the amplifier unit" should correctly be --the **final** amplifier unit--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 11-15, the wording in this limitation need to be altered since it is not clear and "a further controllable input" in particular. The phrase "the original input signal is **reconstructed** by changing **dependent on ...**" is indefinite since the examiner is unable to determine what is being claimed.

Claims 1, 4, 5, "and/or" appears to be unclear/indefinite as to which one is being claimed. Should "and/or" be replaced with --either ... or-- instead.

Claim 1 recites the limitation "the respective provided power supply" in line 12; "the input power level" in line 13; "the biasing voltage" in line 13; and "the biasing current" in line 13. There is **insufficient antecedent basis** for this limitation in the claim.

Claim 1, line 13, "the control input" should correctly be --a control input--.

Claim 5 recites the limitation "the changeable amplifier unit ..."; "the modulation bandwidth". There is **insufficient antecedent basis** for this limitation in the claim.

Claim 7, lines 9-10, it is not clear which "**a further** amplifier unit" since applicant invention only disclose one Amplifier.

Claim 7, lines 9-11, the wording in this limitation need to be altered since it is not clear and "a further amplifier unit input" in particular. The phrase "means for controlling **dependent on ...**" is indefinite since the examiner is unable to determine what is being claimed. Is "dependent on" really necessary in this limitation? Can it be deleted?

Claims 7-10, "and/or" appears to be unclear/indefinite as to which one is being claimed. Should "and/or" be replaced with --either ... or-- instead.

Claim 7 recites the limitation "the phase modulated signal" in line 3; "the supply port" in line 6; "the input power level" in line 10; "the biasing voltage" in line 10; and "the biasing current" in line 11. There is **insufficient antecedent basis** for this limitation in the claim.

Claim 7, line 11, "the control input" should correctly be --a control input--.

Claim 9, "the amplifier" in line 2. There is **insufficient antecedent basis** for this limitation in the claim.

***Allowable Subject Matter***

Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 1-10 call for, among others, a plurality of fixed power supply units with different fixed output powers.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh V. Nguyen whose telephone number is (571) 272-1767. The examiner can normally be reached from 8:00 AM - 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**KHANH V. NGUYEN  
PRIMARY EXAMINER**